REMARKS

Applicant proposes amending claims 1 and 11 to more appropriately define the present invention. Support for these claim amendments is found at least at pages 12-13 and 16 of the specification. Claims 1 and 6-12 remain pending in this application.

In the Final Office Action, the Examiner rejected claims 1 and 6-12 under 35 U.S.C. § 103(a) as unpatentable over <u>Yamamoto et al.</u> (U.S. Patent No. 5,755,620) in view of <u>Inoue et al.</u> (U.S. Patent No. 6,217,445) and <u>Oka et al.</u> (U.S. Patent No. 6,141,025). Applicant respectfully traverses the rejections.

To establish a proper *prima facie* case of obviousness under 35 U.S.C. § 103(a), the Examiner must demonstrate each of three requirements. First, the reference or references, taken alone or combined, must teach or suggest each and every element recited in the claims. *See* M.P.E.P. § 2143.03 (8th ed. 2001). Second, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to combine the references in a manner resulting in the claimed invention. *See* M.P.E.P. § 2143.01 (8th ed. 2001). Third, a reasonable expectation of success must exist. *See* M.P.E.P. § 2143.02 (8th ed. 2001). Moreover, each of these requirements must be found in the prior art, not in applicant's disclosure. *See* M.P.E.P. § 2143 (8th ed. 2001).

Claim 1, as proposed to be amended, recites a game device comprising, among other things, a "pre-reading means for . . . setting a pre-reading start line at a predetermined distance beyond a front of the limit-line of the visual field that moves in the direction of the moving object when viewed from the moving object" and a "judging means for judging which of said areas said pre-reading start line is crossing to determine a specific area from among the plurality of areas, and reading the

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background data of the area judged as being crossed with said pre-reading start line."
Yamamoto, Inoue, and Oka, taken alone or in combination, do not disclose or suggest
at least these features.

By contrast, Yamamoto discloses estimating the behavior of a car to simulate the
car's motion in a virtual space. See col. 5, lines 22-37. Polygons for a running road and
a background divided into areas along the running road are controlled. See col. 13,
lines 6-10. To do so, its processor determines whether a maximum number of polygons
is reached in an area (ARn). If the maximum number of polygons is not reached in an
area, the processor reads more polygons from multiple areas (such as ARn+1, ARn+2,
etc.), until it reaches the maximum number of polygons. See col. 13, lines 6-22. In
other words, polygons are read out of memory until reaching the maximum number of
displayable polygons. As a result, the maximum number of polygons provides an upper
limit of the number of polygons that the system will display. See also col. 13, lines 23-
37.

These teachings, however, do not disclose or suggest at least a "pre-reading
means for . . . setting a pre-reading start line at a predetermined distance beyond a
front of the limit-line of the visual field that moves in the direction of the moving object
when viewed from the moving object" and "judging means for judging which of said
areas said pre-reading start line is crossing to determine a specific area from among the
plurality of areas, and reading the background data of the area judged as being crossed
with said pre-reading start line." (emphasis added). Instead, Yamamoto is silent as to
Applicant's claimed "pre-reading start line." Moreover, Yamamoto teaches away from
Applicant's claimed combination because its system reads polygons from **multiple**

areas until reaching an upper limit of the number of polygons that the system can display.

Additionally, Inoue and Oka do not make up for the deficiencies of Yamamoto. Inoue discloses counting the number of vehicles present in a specified area, such as within a certain distance from a player's vehicle, or by using converted two-dimensional coordinate data, and adjusting the number of vehicles that appear in the specified area. To do so, the Inoue system calculates the total number of automobiles and determines whether to introduce a new automobile into an oncoming lane. See col. 12, lines 1-7. Inoue, however, does not disclose or suggest at least a "pre-reading means for . . . setting a pre-reading start line at a predetermined distance beyond a front of the limit-line of the visual field that moves in the direction of the moving object when viewed from the moving object" and "judging means for judging which of said areas said pre-reading start line is crossing to determine a specific area from among the plurality of areas, and reading the background data of the area judged as being crossed with said pre-reading start line," as recited in claim 1 (emphasis added). Instead, in Inoue, the system counts the number of displayed vehicles, and not a specific area.

The Examiner also admitted in the Final Office Action that "the Examiner has only relied on Inoue to teach the claimed limitation that 'counting means' other than other claim limitations." Final Office Action, page 9. Accordingly, Inoue does not make up for the deficiencies of Yamamoto for at least the above reasons. Nor does Oka provide a teaching or suggestion that compensates for these shortcomings.

Oka discloses storing data in a first-in-first-out (FIFO) memory that is provided between a frame buffer and a graphic engine separated from a cache memory. Content

is pre-read from the FIFO memory and data is read from the same page in the frame

buffer (DRAM) so that access between the cache memory and the DRAM becomes

more efficient and content can be drawn with greater speed. See Abstract. However,

Oka does not disclose or suggest at least a "pre-reading means for . . . setting a

pre-reading start line at a predetermined distance beyond a front of the limit-line of the

visual field that moves in the direction of the moving object when viewed from the

moving object" and "judging means for judging which of said areas said pre-reading

start line is crossing to determine a specific area from among the plurality of areas, and

reading the background data of the area judged as being crossed with said pre-reading

start line," as recited in claim 1 (emphasis added). The Examiner also admitted in the

Final Office Action that "the Examiner has only relied on Oka to teach the claimed

limitation that 'means for judging whether one or more of said memory blocks of said

work memory are vacant space or not.'" Final Office Action, page 10. Accordingly,

Yamamoto, Inoue, and Oka, taken alone or in combination, do not disclose or suggest

all of the features of claim 1, as proposed to be amended.

For at least the above reasons, Applicant respectfully requests the Examiner to

withdraw the rejection and allow claim 1. Claims 6-10 and 12 depend from allowable

claim 1 and are allowable at least due to their dependencies. Independent claim 11,

while of a different scope, includes recitations similar to those of allowable claim 1. For

at least the above reasons, Applicant respectfully requests the Examiner to withdraw

the rejection and allow claims 6-12.

CONCLUSION

Applicant respectfully requests that the Examiner enter this Amendment under 37 C.F.R. § 1.116, placing the pending claims in condition for allowance. Applicant submits that the proposed amendments of claims 1 and 11 do not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner, since all of the elements and their relationships claimed were either earlier claimed or inherent in the claims as examined. Therefore, this Amendment should allow for immediate action by the Examiner. Finally, Applicant submits that the entry of the Amendment would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.

In view of the foregoing remarks, Applicant requests the entry of this Amendment, the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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GARRETT & DUNNER, L.L.P.

Dated: October 25, 2004

By: _____ Reg. No. 53,232

for Richard V. Burgujian
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